

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

November 06, 2024

LAURA A. AUSTIN, CLERK

BY:

s/A. Beeson
DEPUTY CLERK

ANDRE LAMONT ANDREWS,

Plaintiff,

v.

BONFERRARO,

Defendant.

Case No. 7:23-cv-00067

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Andre Lamont Andrews, proceeding *pro se*, filed this civil-rights action under 42 U.S.C. § 1983. By Order entered January 31, 2023, the Court advised Plaintiff that he must notify the Court in writing immediately upon his transfer or release and provide the Court with his new address. (Order, Jan. 31, 2023 [ECF No. 4].) The Court further advised Plaintiff that his failure to provide an updated address would result in dismissal of this action. (*Id.*)

On September 24, 2023, an order mailed to Plaintiff was returned to the Court as undeliverable, indicating that Plaintiff is no longer incarcerated at Blue Ridge Regional Jail and providing no forwarding address. (*See* Returned Mail [ECF No. 11].) And, to date, Plaintiff has not provided the Court with an updated address or otherwise filed any documents in support of his case in more than a year. Accordingly, the Court will dismiss this action without prejudice for failure to comply with the Court's order. *See* Fed. R. Civ. P. 41(b); *Lim v. Hess*, No. 7:21-CV-250, 2021 WL 4434364, at *2 (W.D. Va. Aug. 12, 2021), *report and recommendation adopted*, No. 7:21-CV-250, 2021 WL 4430770 (W.D. Va. Sept. 27, 2021) (dismissing case for failure to prosecute where "Plaintiff failed to notify the Court of his current address and failed to take any action related to the claim"). The Court notes that this dismissal is without

prejudice to Plaintiff's opportunity to refile his claims in a separate civil action, subject to the applicable statute of limitations.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to Plaintiff's last known address.

ENTERED this 6th day of November, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE